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6 Attorneys for Defendants  
7 COUNTY OF CONTRA COSTA, a municipal corporation,  
8 WARREN RUPF in his official capacity as sheriff for the  
CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT;  
DEPUTY IAN JONES, individually and in his capacity as  
deputy sheriff for the CONTRA COSTA COUNTY SHERIFF'S  
DEPARTMENT; DEPUTY MARK JOHNSON, individually  
and in his official capacity as a deputy sheriff for the COUNTY  
10 OF CONTRA COSTA, and CITY OF OAKLEY, a municipal  
corporation

11  
12 UNITED STATES DISTRICT COURT  
13  
NORTHERN DISTRICT OF CALIFORNIA

14 NICK BRENNAN, individually and as  
15 executor of the ESTATE OF JAMES  
BRENNAN; MATT BRENNAN; TED  
BRENNAN; S.B., a minor, by and through  
16 her Guardian Ad Litem, ELIZABETH  
MALONE,

17 Plaintiffs,

18 vs.

19 COUNTY OF CONTRA COSTA, a  
municipal corporation, WARREN RUPF in  
20 his official capacity as sheriff for the  
CONTRA COSTA COUNTY SHERIFF'S  
DEPARTMENT; DEPUTY IAN JONES,  
individually and in his capacity as deputy  
sheriff for the CONTRA COSTA  
22 COUNTY SHERIFF'S DEPARTMENT;  
DEPUTY MARK JOHNSON, individually  
and in his official capacity as a deputy  
sheriff for the COUNTY OF CONTRA  
COSTA; CITY OF OAKLEY, a municipal  
corporation; CHRIS THORSEN in his  
official capacity as chief of police for CITY  
25 OF OAKLEY; and DOES 1-100, inclusive,

26  
27 Defendants.  
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Case No. C08-05360 JCS

**AMENDED STIPULATION AND**  
**[PROPOSED] ORDER CONTINUING**  
**CASE MANAGEMENT ORDER**  
**DEADLINES**

Trial Date: June 7, 2010

Judge: Hon. Joseph C. Spero

1 IT IS HEREBY STIPULATED between the parties as follows:

2 WHEREAS by Pretrial Order ("Order") dated 3/25/09 (Document No. 27), non-expert and  
3 expert discovery deadlines as well as dispositive motion hearing deadline, pretrial and trial dates  
4 were initially set in this case;

5 WHEREAS per that Order, fact discovery is scheduled to close on November 20, 2009,  
6 expert disclosures are due December 4, 2009, and the dispositive motions should be heard no later  
7 than February 26, 2010. The trial of this matter is set for June 7, 2010;

8 WHEREAS the parties have diligently proceeded with discovery in this matter. Recently,  
9 the parties completed written responses to discovery. Plaintiffs produced a litany of discovery  
10 responses and documents in this matter. Further, Defendants have produced over 1,600 pages of  
11 documents in discovery.

12 WHEREAS the parties are currently scheduled to participate in a mediation in this matter  
13 on October 21, 2009, the first such mediation in this matter. The parties are also schedule for a  
14 further case management conference in this matter on October 23, 2009.

15 WHEREAS Plaintiffs have reviewed Defendants' voluminous production of documents  
16 which has revealed numerous additional witnesses that Plaintiffs were not previously aware of.  
17 In addition, Plaintiffs intend to seek leave to amend the complaint to add three additional officers  
18 who allegedly used force during the arrest of Plaintiff Matt Brennan. The Plaintiffs are  
19 evaluating the number of depositions to take in relation to these approximately 9-10 newly  
20 identified witnesses, not including any named Defendants. Defendants estimate that they will  
21 need to take approximately 5-7 depositions. Plaintiffs herein also seek leave to take more than  
22 the allotted 10 depositions per F.R.C.P., and up to 15 depositions without further leave of Court.

23 WHEREAS the parties will be setting numerous party witness depositions and numerous  
24 other percipient witness depositions to occur in November, December and January. Due to the  
25 upcoming holidays in those months, it is likely that all of these depositions will not be completed  
26 until January/February of 2010. In addition, both counsel have upcoming trials in the latter half  
27 of November of 2009 and the middle of January of 2010.

1           WHEREAS the parties are concerned that they will not be able to complete fact discovery  
 2 by the current set deadline of November 20<sup>th</sup> due to these circumstances and their best efforts and  
 3 the parties may also need additional time for expert disclosures and the filing and hearing of  
 4 dispositive motions.

5           WHEREAS counsel on both sides of this matter have met and conferred to come up with  
 6 a revised schedule to the Order in relation to such discovery issues, a plan that will not impact the  
 7 current trial date of June 7, 2010.

8           WHEREAS the parties have not previously continued the discovery dates included in the  
 9 Court's Order and have only obtained a three month continuance of the ADR deadline to allow  
 10 more time to gather information and evidence prior to the mediation. This present request will  
 11 not affect the current trial and pre-trial dates in this matter.

12           Good cause is present to extend the currently set deadlines as follows:

<b><u>Deadline Description</u></b>	<b><u>Current Date</u></b>	<b><u>Proposed Modified Date</u></b>
Close of Non-Expert Discovery	11-20-09	1-21-10
Expert Disclosure	12-4-09	2-12-10
Rebuttal Expert Disclosure	12-18-09	2-22-10
Close of Expert Discovery	1-15-10	3-19-10
Last Day to Hear Dispositive Motions	2-26-10	No change.
Pretrial Conference	5-28-10	No change.
Trial Date	6-7-10	No change.

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 23           **IT IS SO STIPULATED.**

24           Respectfully submitted,

1 Dated: October 14, 2009

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MCNAMARA, DODGE, NEY, BEATTY, SLATTERY,  
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By: /s/ James V. Fitzgerald, III

James V. Fitzgerald, III / Noah G. Blechman  
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COUNTY OF CONTRA COSTA, a municipal  
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sheriff for the CONTRA COSTA COUNTY  
SHERIFF'S DEPARTMENT; DEPUTY IAN JONES,  
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DEPARTMENT; DEPUTY MARK JOHNSON,  
individually and in his official capacity as a deputy  
sheriff for the COUNTY OF CONTRA COSTA, and  
CITY OF OAKLEY, a municipal corporation

Dated: October 14, 2009

LAW OFFICES OF JOHN BURRIS

By: /s/ Ben Nisenbaum

John L. Burris, Esq. / Ben Nisenbaum, Esq.  
Attorney for Plaintiffs  
NICK BRENNAN, individually and as executor of  
the ESTATE OF JAMES BRENNAN; MATT  
BRENNAN; TED BRENNAN; S.B., a minor, by  
and through her Guardian Ad Litem, ELIZABETH  
MALONE

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## ORDER

The parties have demonstrated good cause to modify the Court's original Case Management Order of March 25, 2009 (Document No. 27), as follows:

<u>Deadline Description</u>	<u>New Deadline Date</u>
Close of Non-Expert Discovery	1-21-10
Expert Disclosure	2-12-10
Rebuttal Expert Disclosure	2-22-10
Close of Expert Discovery	3-19-10
Last Day to Hear Dispositive Motions	No change (2-26-10).
Pretrial Conference	No change (5-28-10).
Trial Date	No change (6-7-10).

In addition, Plaintiffs are granted leave to take up to 15 depositions in this matter. Any additional depositions by Plaintiffs above that level need to be per written leave of Court.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 16, 2009

By: Honorable Joseph C. Spero  
United States District Court Magistrate Judge